IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.9 of 2008
THE UNION OF INDIA THROUGH. ASST. SECURITY COMMISSIONER, R.P.F.SAMASTIPUR
…….. APPELLANT
Versus
BIMAL PASWAN, SON OF TRIVENI PASWAN, RESIDENT OF VILLAGE-SIMARIA, P.S. BARAUNI, DISTRICT-BEGUSARAI
…….RESPONDENT

03/ 02-12-2008 Heard.

In view of the submissions made by the learned counsel for the appellant, the delay in filing the appeal is condoned and this limitation petition is allowed.

So far as the merit of this case is concerned the learned trial court has come to the finding that the prosecution has not been able to prove that the stolen material is Railway property. Furthermore, the aforesaid material was also not produced in the Court as stated by C.W. 1, C.W.2 and C.W.3. The learned court has also found that there is no endorsement of Railway on the property and the recovered aluminum misttin is easily available in the market.

I do not find merit in this S.L.A. and the same is dismissed.

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S.Sb/- **(S.P. Singh, J.)**